

# **EXHIBIT A**

CALLAHAN & BLAINE  
A PROFESSIONAL LAW CORPORATION  
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**CALLAHAN & BLAINE, APLC**  
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[jhornberger@callahan-law.com](mailto:jhornberger@callahan-law.com)

Attorneys for Plaintiff PATRICK GALLAGHER

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PATRICK GALLAGHER,

Plaintiff,

v.

CITY AND COUNTY OF SAN  
FRANCISCO, BERNARD CURRAN,  
RODRIGO SANTOS, WILLIAM  
HUGHEN, KEVIN BIRMINGHAM,  
NATALIA KWAITKOWSKA, AND JOE  
DUFFY,

Defendants.

**CASE NO. 23-cv-03579-SI**

**PLAINTIFF'S INITIAL DISCLOSURES  
[FRCP 26]**

Trial Date: None Set

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiff PATRICK GALLAGHER  
("Plaintiff") provides the following initial disclosures:

**WITNESSES:**

The following is a list of each individual known to Plaintiff as of this date and presently  
believed by Plaintiff to possess discoverable information relevant to disputed facts alleged in the  
pleadings.

By making this Initial Disclosure, Plaintiff does not waive the right to object or otherwise  
challenge the admissibility of any testimony proffered by any individual listed. Plaintiff also  
reserves the right to supplement and/or amend this Initial Disclosure as discovery continues and/or  
Plaintiff prepares for trial.

No.	Witness	Subject	Contact
1.	Plaintiff PATRICK GALLAGHER	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All information related to Madison Trust FBO Patrick Gallaher and its ownership of the subject property.</p> <p>All conversations, correspondence, and interactions with the Federal Bureau of Investigation and any other local, state, or federal law enforcement agency related to the City,</p>	Counsel of record

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		<p>City departments, agencies, boards, employees, and the subject property.</p> <p>All conversations, correspondence, and interactions with all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p>	
2.	<p>All contractors, subcontractors, professionals, and others hired or retained by Plaintiff to perform work for the construction, renovation, or remediation of the subject property.</p>	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p>	C/o Plaintiff's counsel of record
3.	Defendant BERNARD CURRAN	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for</p>	Unknown at this time.

		<p>permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All conversations, correspondence, and interactions with the Federal Bureau of Investigation and any other local, state, or federal law enforcement agency related to the City, City departments, agencies, boards, employees, and the subject property.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>All criminal charges brought against him related to his role with the City.</p>	
4.	Defendant RODRIGO SANTOS	All the allegations and claims made in the operative complaint.	Unknown at this time

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		<p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All conversations, correspondence, and interactions with the Federal Bureau of Investigation and any other local, state, or federal law enforcement agency related to the City, City departments, agencies, boards, employees, and the subject property.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>All criminal charges brought against him related to his interactions and</p>	
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		dealings with the City, City departments, agencies, boards, and employees.	
5.	Defendant WILLIAM HUGHEN	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p>	Counsel of record

1		His relationship with all of the named defendants.	
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3		His duties and responsibilities in his role with the City.	
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5		The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.	
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11	6.	Defendant KEVIN BIRMINGHAM	Counsel of record
12		All the allegations and claims made in the operative complaint.	
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14		All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.	
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		<p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>His duties and responsibilities in his role with the City.</p> <p>The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.</p>	
7.	Defendant NATALIA KWAITKOWSKA	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p>	Counsel of record

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		<p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>Her relationship with all of the named defendants.</p> <p>Her duties and responsibilities in her role with the City.</p> <p>The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.</p>	
8.	Defendant JOE DUFFY	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco,</p>	Counsel of record

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		<p>CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>His duties and responsibilities in his role with the City.</p> <p>The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.</p>	
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1	9.	Matthew Greene	All the allegations and claims made in the operative complaint.	C/o Defendants' counsel of record
2			All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.	
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18			All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.	
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24			His relationship with all of the named defendants.	
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26			His duties and responsibilities in his role with the City.	
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		The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.	
10.	John Hinchion	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the</p>	C/o Defendants' counsel of record

		<p>operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>His duties and responsibilities in his role with the City.</p> <p>The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.</p>	
11.	Phil Saunders	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p>	C/o Defendants' counsel of record

		<p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>His duties and responsibilities in his role with the City.</p> <p>The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.</p>	
12.	Patrick O'Riordan	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p>	C/o Defendants' counsel of record

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		<p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>His duties and responsibilities in his role with the City.</p> <p>The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.</p>	
13.	Cory Teague	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco,</p>	C/o Defendants' counsel of record



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14.	Lifang Zhang	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>Her relationship with all of the named defendants.</p> <p>Her duties and responsibilities in her role with the City.</p>	C/o Defendants' counsel of record
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		The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.	
15.	Christine Gasparac	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the</p>	C/o Defendants' counsel of record

		<p>operative complaint.</p> <p>Her relationship with all of the named defendants.</p> <p>Her duties and responsibilities in her role with the City.</p> <p>The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.</p>	
16.	Kenneth Burke	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p>	C/o Defendants' counsel of record

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		<p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>His duties and responsibilities in his role with the City.</p> <p>The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.</p>	
17.	Brett Howard	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p>	C/o Defendants' counsel of record

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18.	Jeff Buckley	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco,</p>	C/o Defendants' counsel of record

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		<p>CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>His duties and responsibilities in his role with the City.</p> <p>The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.</p>	
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19.	Matt Czajkowski	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>His duties and responsibilities in his role with the City.</p>	C/o Defendants' counsel of record
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		The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.	
20.	Kelly Wong	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the</p>	C/o Defendants' counsel of record

		<p>operative complaint. Her relationship with all of the named defendants.</p> <p>Her duties and responsibilities in her role with the City.</p> <p>The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.</p>	
21.	Neville Pereira	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p>	C/o Defendants' counsel of record

		<p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>His duties and responsibilities in his role with the City.</p> <p>The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.</p>	
22.	Hai Pham	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p>	C/o Defendants' counsel of record

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23.	Susan Nawberry	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco,</p>	C/o Defendants' counsel of record

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24.	Brent Howard	<p>All the allegations and claims made in the operative complaint.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>His relationship with all of the named defendants.</p> <p>His duties and responsibilities in his role with the City.</p>	C/o Defendants' counsel of record
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		The City's policies and procedures related to regulations, approvals, enforcements, and inspections of property and structures.	
25.	Ernest Jones	<p>All the allegations and claims made in the operative.</p> <p>All work performed on the subject property and structure located at 200 Naples Street, San Francisco, CA 94112, and all applications for permits, approvals, variances, appeals, and any other approvals requested from the City and County of San Francisco.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p>	Unknown at this time.

		A meeting that took place in or around between Plaintiff and members of the City's Department of Building Inspection.	
26.	Kathy MacKenzie	<p>All the allegations and claims made in the operative complaint.</p> <p>All encumbrances, regulations, enforcements, and actions taken against the subject property by the City, City departments, agencies, boards, and employees.</p> <p>All conversations, correspondence, and interactions with the Plaintiff and all of the named defendants related to the subject property and the allegations and claims contained in the operative complaint.</p> <p>All escrow and attempted sales of the subject property.</p>	<p>1180 Iron Point Road, #1901 Folsom, CA 95630</p> <p>(916) 984-1380</p>
27.	Department of Building Inspection Custodian of Records	Authentication of records related to the subject property	C/o Defendants' counsel of record
28.	Planning Department Custodian of Records	Authentication of records related to the subject property.	C/o Defendants' counsel of record
29.	Department of Public Works Custodian of Records	Authentication of records related to the subject property.	C/o Defendants' counsel of record



30.	San Francisco Board of Supervisors Custodian of Records	Authentication of records related to the subject property.	C/o Defendants' counsel of record
31.	All witnesses identified in Defendants' Initial Disclosures and identified during discovery	TBD	TBD

### **DOCUMENTS:**

Plaintiff presently believes that the following documents, electronically stored information, and tangible things are in his possession, custody, or control and may support his defenses.

Plaintiff produces with his Initial Disclosures a list of unprivileged categories of documents of which Plaintiff is currently aware that are reasonably available and tend to support the positions that Plaintiff has taken or are reasonably likely to take in this case. By including documents in this disclosure, Plaintiff in no way intends to waive any objections or privilege concerning the production of these documents. Plaintiff includes in his Initial Disclosure a list of all unprivileged documents that are reasonably available, or that on information and belief exist, that tend to support the positions that Defendants have taken or is reasonably likely to take in this case.

Specifically, Plaintiff currently is aware of the following documents:

1. Signed Certificate of Completion for the subject property.
2. Documents related to ownership of the subject property including the grant deed.
3. Plans and designs related to the construction and/or renovation of the subject property.
4. Documents related to permits, permit applications, job cards, variances, and variance applications related to the subject property.
5. Documents related to notices of violations, abatement orders, code enforcement liens, and other enforcement orders concerning the subject property.
6. Documents related to complaints concerning the subject property.

1 7. Correspondence and communications regarding Nos. 1-6 above.

2 8. All documents identified in Defendants' initial disclosures and identified during  
3 discovery.

4 **DAMAGES:**

5 Plaintiff seeks the following damages at this time:

- 6 1. General damages (also known as non-economic damages), according to proof;  
7 2. Special damages (also known as economic damages), according to proof;  
8 3. Compensatory damages, according to proof;  
9 4. Treble damages pursuant to Civil Code § 3345;  
10 5. An order enjoining Defendants from violating Plaintiff's constitutional rights;  
11 6. Injunctive relief;  
12 7. Punitive damages, according to proof;  
13 8. Prejudgment interest and pretrial interest, according to proof;  
14 9. Attorneys' fees and costs, according to proof;  
15 10. Damages for Plaintiff's other losses, according to proof;  
16 11. All statutorily allowed damages; and  
17 12. Such other and further relief as deemed proper by the Court.

18 The damages amounts are not yet determined and will not be final until this action is  
19 concluded.

20 **INSURANCE AGREEMENTS:**

21 None.

22 The City is self-insured under, among other things, California Government Code section  
23 990, subdivision (a). The individual defendants' rights to defense and indemnity by the City are as  
24 under California Government Code section 825. (See also Cal. Gov't Code, § 990, subd (b)).

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WWW.CALLAHAN-LAW.COM

**CERTIFICATION**

To the best of my knowledge, information and belief, formed after an inquiry that is reasonable under the circumstances, Plaintiff's Initial Disclosure is complete and correct as of this date.

Dated: February 23, 2024

**CALLAHAN & BLAINE, APLC**

By: 

Javier H. van Oordt  
Jonathan W. Hornberger  
Attorneys for Plaintiff PATRICK GALLAGHER

**PROOF OF SERVICE**

[FRCP 5(B)]

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 3 Hutton Centre Drive, Ninth Floor, Santa Ana, California 92707.

On February 23, 2024, I served the following document(s) described as **PLAINTIFF'S INITIAL DISCLOSURES [FRCP 26]** on the interested parties in this action as follows:

Tom Lakritz  
Office of City Attorney David Chiu  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl.  
San Francisco, CA 94102  
Email: [Tom.Lakritz@sfcityatty.org](mailto:Tom.Lakritz@sfcityatty.org)  
cc: Anita Murdock

Defendant, CITY AND COUNTY OF SAN FRANCISCO; WILLIAM HUGHEN; KEVIN BIRMINGHAM; NATALIA KWAITKOWSKA; MAURICIO HERNANDEZ; and JOE DUFFY

[Anita.Murdock@sfcityatty.org](mailto:Anita.Murdock@sfcityatty.org)  
Kathleen Hill [Kathleen.Hill@sfcityatty.org](mailto:Kathleen.Hill@sfcityatty.org)

- ☒ **BY EMAIL:** My electronic service address is erichards@callahan-law.com. Based on a written agreement of the parties pursuant to Fed. Rules Civ. Proc., Rule 5(b)(2)(E) to accept service by electronic means, I sent such document(s) to the email address(es) listed above or on the attached Service List. Such document(s) was scanned and emailed to such recipient(s) and email confirmation(s) will be maintained with the original document in this office indicating the recipients' email address(es) and time of receipt.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 23, 2024, at Santa Ana, California.




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Elena Richards